

RESOLUTION NO. RS2019-1683 (VERCHER & O'CONNELL) – This resolution would approve three amendments to three agreements between the Metropolitan Government and the Tennessee Department of Environment and Conservation (TDEC) concerning the maintenance of closed solid waste disposal facilities.

State law requires all owners of closed landfills either to put up a performance bond or execute a contract agreeing to pay a penal sum if the site is not adequately maintained. (Tenn. Code Ann. §68-212-108). The Metropolitan Government has entered into contracts with TDEC in lieu of a performance bond as assurance of financial responsibility for these solid waste facility maintenance duties. State law further provides that the amount guaranteed by the performance bond or agreement may be altered over time. Reduced amounts would ostensibly coincide with the similarly decreasing levels of contamination, costs of removal, and/or amounts of potential property damage with each passing year.

Metro owns the Due West Superfund Site, the Bordeaux Sanitary Landfill, and the Thermal Ash Monofill, Phases II and III, all of which are closed solid waste disposal facilities maintained pursuant to separate agreements between Metro and TDEC pursuant to BL2010-719. That ordinance provides that amendments to these three agreements may be approved by resolution.

The resolution under consideration would reduce the penalties in the three agreements, as follows:

- Due West Superfund site — decrease from \$1,026,425.67 to \$984,432.26
- Bordeaux Sanitary Landfill — decrease from \$2,989,218.52 to \$2,675,724.23
- Thermal Ash Landfill — decrease from \$922,262.05 to \$896,300.37

Pursuant to BL2010-719, future amendments to these agreements may be approved by resolution of Council receiving 21 votes.

Fiscal Note: These amounts would only be paid if Metro failed to maintain the sites adequately.